

Koch, Kristine

From: Koch, Kristine
Sent: Tuesday, August 12, 2014 3:11 PM
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Subject: FW: Response to the Background Issue Raised During the EPA/LWG Senior Managers Call
Attachments: Background Rev 3 I_2013-11-4_DF RI_Sec7_Text dyrev.(2).docx

All – here is an update on the RI Section 7 issues with background. Let me know if you have any questions.

Regards,

Kristine Koch
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From: Yamamoto, Deb
Sent: Tuesday, August 12, 2014 3:08 PM
To: Margaret Kirkpatrick (margaret.kirkpatrick@nwnatural.com)
Cc: Koch, Kristine; Cora, Lori; Cohen, Lori; rjw@nwnatural.com; jim.mckenna@verdantllc.com
Subject: Response to the Background Issue Raised During the EPA/LWG Senior Managers Call

Hi Margaret,

During the call with you and other LWG senior managers on Thursday, August 7, LWG senior managers raised concerns with the final version of Section 7 of the RI on background. This is the version that, as of December 13, 2013, EPA and the LWG had reached agreement on the final revisions. The purpose of this email is to respond to the LWG concerns that it wasn't clear that outliers were excluded from the background data set and the LWG was surprised to know this. The LWG wanted to know where it was specifically stated in Section 7 that outliers were "out."

In light of the LWG's concern that Section 7 was not clear that outliers were taken out, Lori Cohen and I agreed that I would review Section 7 (again), and if it was not perfectly clear that outliers were excluded from the background data set, then I would include language to make it clear.

I have finished rereading Section 7 and have concluded that:

1. It is a well written and clear discussion on what data was used to determine background,
2. It provides a logical discussion of the approach EPA used to analyze the data (following EPA guidance) and determine which samples might be considered outliers, and
3. It identifies the samples that are considered outliers and states that these samples are excluded from the background data set. The excluded outliers are discussed in Sections 7.3.1 – 7.3.15.

Although I believe Section 7 is quite clear, I added a sentence at the end of Section 7.3 to further clarify the handling of outliers. Also, I saw a very minor issue in Section 7.0 where it says there are background data sets (see the second paragraph of Section 7.0) versus one data set that is mentioned in Section 7.2. I believe that could be further clarified. To be clear, several data sets were used to establish background. From those sets we identify the data we used for our background calculations. I asked Kristine Koch to make some minor changes related to providing clarity on this issue as well. All the changes are noted in red in the attached document.

Per our discussion on Thursday, given EPA has made further modifications to this section of the RI (albeit very minor and all consistent with the revisions made to Section 7), we are allowing the LWG to look at the proposed revisions and decide if they agree with them. Even though the time to dispute Section 7 has passed both under the RI review process and RI/FS AOC, EPA agrees that the LWG may initiate a formal dispute over the background issue now if they so choose. Given that this issue has been the topic of significant informal dispute discussions at both the Project Manager and the Senior Manager levels, the informal dispute process has been exhausted per the RI revision process. Any dispute the LWG wishes to raise on the background issue in Section 7 needs to be raised within fourteen days of receipt of this email and minor revisions to Chapter 7 to the ECL Office Director in accordance with the process contained in the RI/FS AOC.

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